INCIDENT BRIEFING	1. Incident Name: **UTLA STRIKE 2019**	2. Date Prepared: **1/14/2019**	3. Time Prepared: **0800**

INFORMATION AND BACKGROUND

The Los Angeles School District (LAUSD) and United Teachers Los Angeles (UTLA) have remained in protracted contract negotiations. UTLA Membership consists of teachers, nurses, psychologists, PSA counselors, audiologists, and other out of classroom personnel. The membership voted and approved a general strike after mediation and a neutral fact finding process concluded.

The District is preparing for multiple possible scenarios:

- Rolling Strikes at various locations that will be unannounced and intended to stretch District resources thin.
- Localized strikes within Districts.
- General Strike in the form of a complete walk out of UTLA members intended to halt all instruction and overwhelm resources.
- Combination of all.

All scenarios are intended to strain District resources; especially those certificated employees holding valid teaching credentials that are not represented by UTLA. The unknown factor is how many of the eleven remaining bargaining units/unions will hold sympathy strikes in solidarity with UTLA.

In anticipation of a job action on the part of UTLA, the Department has been placed on a modified tactical alert from Monday January 7, 2019 through Friday, February 1, 2019. In the event of UTLA job action, the Department will use the Department's Unusual Occurrence and Mobilization Plan assessing the need for a modified tactical alert, department tactical alert or a full Department mobilization.

LASPD Divisions will provide support to LAUSD sites and facilities in their areas. UTLA members, sympathetic employee organizations, community groups, groups sympathetic to UTLA, and students may attend protest activities. Their presence may present an issue and could affect ingress, egress and school operations. This type of activity has the potential to rapidly expand into large numbers of participants, which develop into crowd control issues.

The LASPD has been tasked with staffing a uniformed officer at every secondary school to ensure the safety of children, teachers, parents, and school staff. A secondary role is to assess the size and activity of protest groups on an hourly basis or as directed by the EOC. Our local law enforcement partners under a mutual aid request through LASO EOB will handle service to elementary school sites.

The following District locations have been identified as critical infrastructure locations:

- Local District Offices
- Bus lot and service centers
- Newman Nutrition Center
- Procurement Offices located in Pico Rivera

It is the intent to staff all critical infrastructure locations with two School Safety Officers during "B" platoon deployment.

ICS 201 **Page /**	4. Prepared by: SANDOVAL Deputy I/C	5. Approved by: TIM ANDERSON I/C

REMEMBER: Courts have held that demonstrators can walk very slow and cause a reasonable delay. Demonstrators are allowed two passes at a single location. Two passes is defined as walking across an area, turning around and walking once back across the same area.

MISSION

The Mission of the Los Angeles School Police Department for this event is to maintain a peaceful educational environment, provide safety and security on school campuses and facilities, to assist school administrators in protecting students, faculty and staff on school campuses and protect District facilities.

COMMANDERS INTENT

The Incident Commander's intent is to utilize necessary resources to preserve the balance between freedom of speech versus continuity of operations and the safety of children, parents, teachers, and other school staff. When feasible, law enforcement actions should be completed by criminal complaint. Violent crimes against persons should be handled following current Department protocols.

CONCEPT OF OPERATION:

The intent of this deployment is to provide a highly visible police presence at every secondary school to ensure public safety. In the event that an officer assigned to a secondary school is unable to safely address a situation, the officer shall notify the LDOC/EOC via radio to request additional resources. The area Commanding Officer will direct sufficient public safety resources to take necessary action utilizing a Quick Response Team (QRT) configuration of officers with a supervisor. In the event of an unlawful assembly, the area Commanding Officer shall coordinate additional resources to an incident in a Mobile Field Force (MFF) configuration. If the Department reaches Minimum Operating Force (MOF) and requests mutual aid, the MFF may come from a mutual aid partner agency.

DEPLOYMENT

Should the Department be unable to deploy and address the UTLA job action under a tactical alert, the Department will initiate a Department wide mobilization. The Department will deploy in a Department wide mobilization in 12-hour shifts in an "A" and "B" platoon configuration. All sworn Department personnel will be deployed to support the mission of the District Monday through Friday. Early Morning Watch personnel will be assigned to "B" platoon. Deployment during a mobilization for Saturday E, C and D Watch and Sunday E and C Watch work shifts will consist of volunteer personnel or by assignment based on District seniority. Personnel working "B" platoon on Friday shall not work Shift 1 assignments based on the requirement for a 6 hour rest period between shifts.

ICS 201 **Page /**	4. Prepared by: SANDOVAL Deputy I/C	5. Approved by: TIM ANDERSON I/C

HOURS OF OPERATION

Monday through Friday
A Platoon 0500-1700 hrs.
B Platoon 1700-0500 hrs.

Saturday and Sunday
Shift 1 0430-1330 hrs.
Shift 2 1230-2230 hrs.
Shift 3 2130-0730 hrs.

Assignments will be given by the Incident Commander following the NIMS ICS model. Command operations will be configured in a DOC format.

All personnel shall be in class "A" or "B" uniform and be prepared to deploy as needed

Nothing in this plan is intended to limit any options available to the Incident Commander during this event. Based on the incidents occurring in this event and time sensitive situational awareness, the Incident Commander may at any time deploy personnel as necessary, which may differ from the plan as outlined. When Minimum Operating Force (MOF) is reached, the Incident Commander will notify the LASO Emergency Operations Bureau (EOB) and declare a mutual aid request under the concept of area command.

COMMAND OPERATIONS

Command operations will originate in the Communications Center and will move to the Emergency Operation Center (EOC) once staffing is identified. If events necessitate a Tactical Operations Center (TOC), one will be assembled. Location of the field TOC shall be determined by the identified Incident Commander after an evaluation of events.

- Command Post and Staging Area Options
- EOC
- Staging at LASPD Headquarters
- Other locations as determined by the Incident Commander

STAGING AREA

Each Division's Commanding Officer, will identify a staging area within their respective division that allows for command and control and unified command with the local law enforcement division within their respective areas, should it be necessary.

ICS 201 Page /	4. Prepared by: SANDOVAL Deputy I/C	5. Approved by: TIM ANDERSON I/C

OFFICER RESPONSIBILITIES

- Commanding Officers will staff Local District EOC's located at the Local District Offices.
- Officers shall liaison with the school site Principal to focus on safety issues and critical infrastructure sites.
- Officers shall be at their assignments no later than 0600 daily and remain at the location throughout the deployment period unless directed otherwise.
- Officers will work with the school site Principal to gather information to report protest activity, crowd size, and other related safety information through the School Emergency Status Report (SESR) tool.
- Any available Lieutenant not assigned to a Tactical LDOC, will act in the capacity of a tactical field commander at the direction of the Incident Commander.

EVENT TIME LINE

- 0500 OP1 EOC operational
- 0600 Transit Services Division provides bus transportation numbers
- 0630 School sites report staffing levels for each school site location
- 0700 – 0730 Campus Officer/Principal report of protest crowd size at each High School and Middle School
- 0800-0830 Principal report of student attendance through SESR system
- 0900 EOC allocation of resources to school sites based on staff to student ratio, protest activity, and any related safety concerns

ARREST/BOOKING (If necessary)

Arrests will be handled according to LASPD policy and procedure.

- In the event of mass arrests, the LASPD will coordinate with local police agencies and request any necessary resources under mutual aid.

DEMOBILIZATON

Any demobilization or de-escalation of personnel will be at the direction of the Incident Commander.

COORDINATED AGENCIES

CHP Los Angeles DOC	Gardena Police	Monterrey Park Police
LASD EOB	Hawthorne Police	San Fernando Police
LAPD Labor Relations	Huntington Park Police	South Gate Police
LAPD DOC	Inglewood Police	Vernon Police
Bell Police	Long Beach Police	CSUN Police

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INCIDENT OBJECTIVES (ICS 202)

1. Incident Name:	2. Operational Period:	Date From: Date	Date To: Date
UTLA 2019 – OP1		Time From: 0500	Time To: 1700

3. Objective(s):

Management Objectives:

- Protect Lives, property, and school District vital facilities.
- Investigate unlawful school related criminal activity.
- Handle all non-violent crimes by criminal complaint.
- Establish, maintain, and disseminate information to all involved agencies and stakeholders.
- Facilitate the safe ingress/egress of vehicle and pedestrian traffic to include school bus operations.
- Provide a visible, professional, law enforcement presence to facilitate 1st Amendment protest activity.
- Provide crowd control tactics to restore order as quickly as possible in the event of civil unrest.
- Establish and maintain communication with the organizers, stakeholders, and the crowd.
- Provide advanced life support and basic life support and treatment if necessary.
- Provide force protection for the fire department.
- Document Department activities through Sit/Stat and Re-Stat forms.
- Facilitate media coverage adhering to the guidelines of Crespo V. City of Los Angeles.

Control Objectives:

- Establish the Incident Command Post and gather information regarding the size and scope of the field event.
- Activate the Department Operations Center (DOC) to an appropriate level.
- Staff the EOC.
- Campus Service Bureau Commanding Officers shall report all field activity to the DOC.
- If necessary, the District/Department will declare a state of emergency and open up the EOC configuration.
- Operate under DOC configuration until a Department wide mobilization is established or an emergency is declared.
- Identify strike captains and liaison and identify the group's intent.
- Facilitate access to the campus for students, parents, employees, and other service providers.
- Identify non-traditional points of entry to allow access to the school site for students and staff.
- Facilitate safe arrival/departure of students on District or contract buses at school site locations.

In the event the Department initiates a full mobilization, the following objectives will be met:

- All Department personnel will be recalled to report to duty to their assigned Division.
- Pre-approved vacations will be honored, RDO's will be cancelled.
- Roll call will start promptly at 0500, allowing ample time for officers to be at their fixed post assignment no later than 0600.
- School Safety Officers will deploye to pre-identified critical infrastructure locations.
- All officers shall liaison with the school site administrator to help determine staffing needs, crowd size, and student attendance numbers.
- Assist administrators with estimating protest crowd size to report information to the EOC through the School Emergency Status Report (SESR) system.
- Remain at your fixed post assignment throughout the deployment period unless directed by the area Commanding Officer or EOC.

Operational Timeline:

- **0500** OP1 EOC operational
- **0600** Transit Services Division provides bus transportation numbers
- **0630** School sites report staffing levels for each school site location
- **0700 – 0730** Campus Officer/Principal report of protest crowd size at each High School and Middle School
- **0800-0830** Principal report of student attendance through SESR system
- **0900** EOC allocation of resources to school sites based on staff to student ratio, protest activity, and any related safety concerns

1. Incident Name:	2. Operational Period:	Date From: Date	Date To: Date
UTLA 2019 – OP1		Time From: 0500	Time To: 1700

4. Operational Period Command Emphasis:

Establish an appropriate incident management team, organization that can effectively meet the initial and long-term challenges required to mitigate the incident.

Provide for the safety and security of responders as well as maximize the protection of public health and welfare.

Ensure all key and critical information is relayed to the LASPD EOC.

Locate and establish a Joint Information Center and keep public stakeholders and media informed of response activities.

General Situational Awareness

Police Officers shall wear either a Class "A" or "B" uniform. Police personnel shall have appropriate crowd management equipment. All gas mask certified personnel shall have PPE readily available. Supervisors shall make continuous crowd behavior assessments when located in the immediate proximity of or within the crowd. Supervisors shall use their discretion to determine if donning/doffing of helmets is necessary for officer safety. Personnel should bring personal items to be available throughout the deployment period (food, water, medicine).

5. Site Safety Plan Required? Yes ☐ No ☒

Approved Site Safety Plan(s) Located at: See Integrated School Safety Plan (ISSP)

6. Incident Action Plan (the items checked below are included in this Incident Action Plan):

☒ ICS 203	☒ ICS 207	Other Attachments:
☒ ICS 204	☐ ICS 208	☒ Bulletins and addenda
☒ ICS 205 Map/Chart	☐	☐ _____
☐ ICS 205A Forecast/Tides/Currents	☐ Weather	☐ _____
☒ ICS 206		☐ _____
☐ _____		

7. Prepared by: Name: Sandoval Position/Title: Deputy I/C Signature: _____

8. Approved by Incident Commander: Name: Signature: _____

ICS 202
Incident Objectives

Purpose. The Incident Objectives (ICS 202) describes the basic incident strategy, incident objectives, command emphasis/priorities, and safety considerations for use during the next operational period.

Preparation. The ICS 202 is completed by the Planning Section following each Command and General Staff meeting conducted to prepare the Incident Action Plan (IAP). In case of a Unified Command, one Incident Commander (IC) may approve the ICS 202. If additional IC signatures are used, attach a blank page.

Distribution. The ICS 202 may be reproduced with the IAP and may be part of the IAP and given to all supervisory personnel at the Section, Branch, Division/Group, and Unit levels. All completed original forms must be given to the Documentation Unit.

Notes:

- The ICS 202 is part of the IAP and can be used as the opening or cover page.
- If additional pages are needed, use a blank ICS 202 and repaginate as needed.

Block Number	Block Title	Instructions
1	**Incident Name**	Enter the name assigned to the incident. If needed, an incident number can be added.
2	**Operational Period** • Date and Time From • Date and Time To	Enter the start date (month/day/year) and time (using the 24-hour clock) and end date and time for the operational period to which the form applies.
3	**Objective(s)**	Enter clear, concise statements of the objectives for managing the response. Ideally, these objectives will be listed in priority order. These objectives are for the incident response for this operational period as well as for the duration of the incident. Include alternative and/or specific tactical objectives as applicable. Objectives should follow the SMART model or a similar approach: **S**pecific – Is the wording precise and unambiguous? **M**easurable – How will achievements be measured? **A**ction-oriented – Is an action verb used to describe expected accomplishments? **R**ealistic – Is the outcome achievable with given available resources? **T**ime-sensitive – What is the timeframe?
4	**Operational Period Command Emphasis**	Enter command emphasis for the operational period, which may include tactical priorities or a general weather forecast for the operational period. It may be a sequence of events or order of events to address. This is not a narrative on the objectives, but a discussion about where to place emphasis if there are needs to prioritize based on the Incident Commander's or Unified Command's direction. Examples: Be aware of falling debris, secondary explosions, etc.
	General Situational Awareness	General situational awareness may include a weather forecast, incident conditions, and/or a general safety message. If a safety message is included here, it should be reviewed by the Safety Officer to ensure it is in alignment with the Safety Message/Plan (ICS 208).
5	**Site Safety Plan Required?** Yes ☐ No ☐	Safety Officer should check whether or not a site safety plan is required for this incident.
	Approved Site Safety Plan(s) Located At	Enter the location of the approved Site Safety Plan(s).

Block Number	Block Title	Instructions
6	**Incident Action Plan** (the items checked below are included in this Incident Action Plan): ☐ ICS 203 ☐ ICS 204 ☐ ICS 205 ☐ ICS 205A ☐ ICS 206 ☐ ICS 207 ☐ ICS 208 ☐ Map/Chart ☐ Weather Forecast/ Tides/Currents Other Attachments:	Check appropriate forms and list other relevant documents that are included in the IAP. ☐ ICS 203 – Organization Assignment List ☐ ICS 204 – Assignment List ☐ ICS 205 – Incident Radio Communications Plan ☐ ICS 205A – Communications List ☐ ICS 206 – Medical Plan ☐ ICS 207 – Incident Organization Chart ☐ ICS 208 – Safety Message/Plan
7	**Prepared by** • Name • Position/Title • Signature	Enter the name, ICS position, and signature of the person preparing the form. Enter date (month/day/year) and time prepared (24-hour clock).
8	**Approved by Incident Commander** • Name • Signature • Date/Time	In the case of a Unified Command, one IC may approve the ICS 202. If additional IC signatures are used, attach a blank page.

Los Angeles School Police Department

Police Officers' Role In The Event of a Work Stoppage

Presented by:
The Critical Response Team (CRT)

LAUSD PRA (0047278) - 9

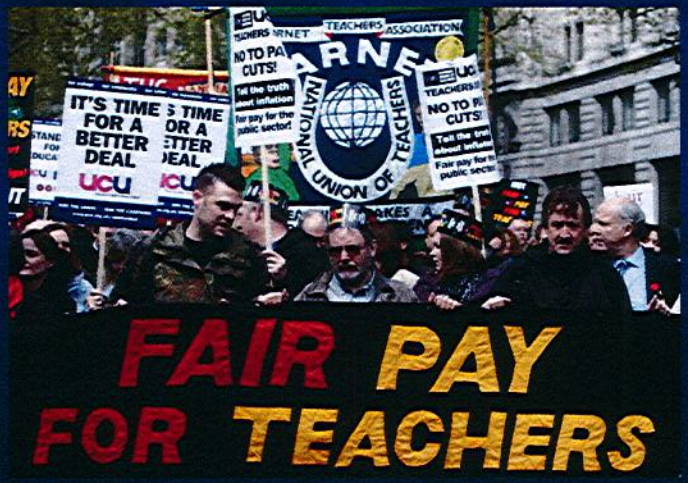
Our Mission Statement

The mission of the Los Angeles School Police Department is to assist students, teachers, administrators and other staff in providing a safe and tranquil environment in which the educational process can take place.

LAUSD PRA (0047278) - 10

What is a work stoppage?

- A temporary stoppage of work by a group of workers to express a grievance or enforce a demand.



First Amendment

- It is the Los Angeles School Police Department's obligation to protect individual's First Amendment rights, protect lives, maintain order, and protect property.

- First Amendment of the U.S. Constitution protects the right to freedom of religion and freedom of expression from government interference.

Right to Strike



- Section 7 of the National Labor Relations Act states in part, "Employees shall have the right to… engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." Strikes are included among the concerted activities protected for employees by this section.

- The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of strikers. The National Labor Relations Board determines what is lawful.

Government Code

- Sec. 617.003- Prohibition on strikes by public employees (a) Public employees may not strike or engage in an organized work stoppage against the state or a political subdivision of the states.
 - (b) A public employee who violates Subsection (a) forfeits all civil service rights, reemployment rights, and any other rights, benefits, and privileges the employee enjoys as a result of public employment or former public employment.
 - (c) The right of an individual to cease work may not be abridges if the individual is not acting in concert with others in an organized work stoppage.

UTLA Article VI

- Work Stoppage:
 - 1.0 Apart from an in addition to existing legal restrictions upon and remedies for work stoppages, UTLA agrees to the following:
 - a. Neither UTLA nor its officers or representatives or affiliates shall cause, encourage, condone or participate in any strike, slowdown or other work stoppage during the term of this agreement. In the event of any actual or threatened strike, slowdown or other work stoppage, UTLA and its officers, representatives and affiliates will take all reasonable steps within their control to avert or end the same; and
 - b. Any employee engaging in any strike, slowdown or other work stoppage during the term of this agreement shall be subject to discipline or termination under applicable law.

Things to Remember

- Any work stoppage at a school site is harmful to the students, parents and the community.
- Any work stoppage creates a District emergency and is stressful to everyone concerned.
- It's the policy of the Board of Education of the LAUSD to continue operation of all schools on a regular basis in the event of a strike or work stoppage.
- Teachers will eventually return to school and we don't want any strained relationships.
- Personnel are expected to remain calm, exercise restraint and be professional.

Our Responsibilities

- To uphold the law.
- To protect students, parents, employees, public safety and district property.
- To maintain the peace.
- Monitor and enforce traffic flow, “ingress” and “egress” of District sites.
- Work with district personnel to meet District goals as directed by the Chief of Police.

Police Officers' Role

- Observe:
 - Look out for anyone or anything that can potentially cause a problem and relay information to your team.
 - E.g. : A few protestors trying to incite the crowd.
- Monitor:
 - Look out for anything or anyone causing a problem, take mental notes and relay information to your team and the Supervisor on scene.
 - E.g. : The protestors move from the sidewalk onto traffic, taking over the street, creating a traffic hazard.
- Take action:
 - The team will take action when needed to keep the protestors and the public safe.
 - E.g. : Block streets to keep protestors safe, while also preventing traffic collisions from occurring.
 - E.g. : Removing individual protestors throwing objects, etc., that cause safety concerns.

Be Prepared

- In the event of a work stoppage, demonstration or civil unrest, officers may be required to work extended hours with minimal breaks. Officers should have the following available items:
 - Required equipment accessible (PR-24 baton, helmet, gas mask, etc.).
 - Appropriate uniform/body armor (Class A, B or C as determined by the Department).
 - Water
 - Food/snacks
 - Prescribed or required medication

Unlawful Assembly

- At times, Demonstrations may become unlawful. In such circumstances, pursuant to California Penal Code Sections 407 and 409, an assembly may be declared unlawful, and all persons present, including members of the news media, may be lawfully ordered to disperse. The law provides that police officers may use reasonable force to disperse an unlawful assembly and to affect the arrest of violators.

- The Incident Commander will determine the declaration of an unlawful assembly.

LAUSD PRA (0047278) - 20

What Do We Do?

- You receive a call of 30 teachers protesting outside of Jefferson High School at 0800 hours. The only staff not protesting is the Principal, the Assistant Principal, the office staff, a few teachers, and the plant manager. The protestors are holding up signs that indicate they are strike for a better contract and pay. The school bell rings for class to start but the teachers remain in place protesting.

- What do we do?



What if.....

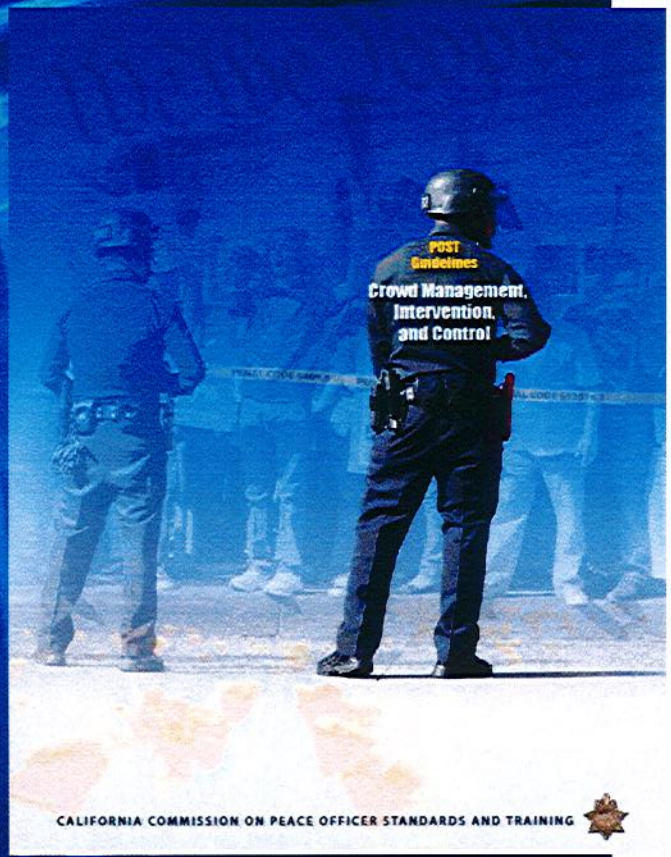
- A peaceful group of protestors outside of school, is now on the street, blocking the flow of vehicle traffic?
- A group of protestors outside of school, start throwing water bottles at substitute teachers and other staff walking into campus?
- The group protesting outside of school, are family and friends of yours. They ask you to join them, what do you do?

***Remember our responsibilities!**

Reminders

- We work in conjunction with the District, not against.
- We need to be able to move forward peacefully, without animosity, once the work stoppage ends.
- Our primary focus is to keep LAUSD students, teachers, staff, and administrators safe, regardless of their personal beliefs.

POST Guidelines



CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

APPENDIX B

Crowd Management Intervention and Control Strategies

Situation Severity

Situation	Law Enforcement Response
Lawful Assembly Free Speech and assembly are protected First Amendment activities.: ➲ Speeches ➲ Marches ➲ Demonstrations ➲ Rallies ➲ Picketing ➲ Public assemblies ➲ Protests ➲ Celebratory events	**Use Crowd Management strategies** ➲ Meet with event organizers and stakeholders ➲ Determine the history and risk of the group ➲ Create a planning team ➲ Check permit limitations ➲ Develop Incident Action Plan and objectives ➲ Identify and assign resources ➲ Monitor and assess crowd behavior ➲ Separate opposing factions ➲ Maintain video log ➲ Provide direction and expectations at roll call/briefing ➲ Engender facilitation, not confrontation ➲ Interact with organizers and gain their cooperation
Isolated Unlawful Behavior Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful.. ➲ Isolated destruction of property ➲ Isolated acts of violence ➲ Isolated rock or bottle throwers ➲ Individual sit-down demonstrators	**Use Crowd Intervention strategies** ➲ Use organizers and monitors to gain voluntary compliance ➲ Isolate, arrest and remove law violators as quickly as possible ➲ Video action of officers and law violators ➲ Use amplified sound to communicate intent or to gain compliance ➲ Use low profile tactics when possible. Don't become the focus of the demonstration ➲ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams ➲ Continue to assess; escalate and de-escalate as behavior changes ➲ Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior
Unlawful Assembly Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given. Per Penal Code §407, two or more persons assemble to: ➲ Commit an unlawful act or ➲ Commit a lawful act in a boisterous or tumultuous manner	**Use Crowd Control strategies** ➲ Seek voluntary compliance ➲ Video action of officers and law violators ➲ Act quickly ➲ Request needed resources ➲ Put control forces in place ➲ Identify dispersal routes ➲ Consider a traffic plan ➲ Move media to protected area ➲ Use amplified sound to communicate intent to declare an unlawful assembly ➲ Disperse unlawful crowd ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest individuals who fail to disperse or who are involved in illegal activity ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore traffic flow
Riot Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot. ➲ Group violent behavior ➲ Group acts of property damage	**Use Crowd Control strategies** ➲ Video action of officers and law violators ➲ Request needed resources ➲ Put control forces in place ➲ Stop the illegal activity ➲ Put a traffic plan in place ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest law violators ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore and maintain order ➲ Restore traffic flow ➲ Discourage groups from forming ➲ Protect lives, property, and vital facilities ➲ Remain present ➲ Reassess the situation ➲ Return to normalcy ➲ Act quickly

Note: This table is neither all-inclusive nor limiting.

LAUSD PRA (0047278) - 24

Questions?



Acknowledgements

- Power Point content development: Police Officer Stephany Sanchez
- Power Point facilitators: LASPD Critical Response Team
- Power Point development/layout: Deputy Chief Timothy J. Anderson

TEMPORARY RESTRAINING ORDERS (TRO'S) AND INJUNCTIONS

Note: Absent a court order, there is no limit to the number of pickets that may be present.

However, pickets must demonstrate in a lawful manner.

TRO's and injunctions are usually issued in response to picket line misconduct or acts constituting an unfair labor practice.

TRO's generally act to:

- Limit the number of pickets.
- Restrict picketing in specific areas.
- Specify areas where the balance of non-picketing strikers may congregate.
- Forbid unlawful acts (which are already covered under the laws we enforce).

Court Order violations can be enforced by:

- Contempt of court proceedings (civil action).
- Enforcement of Penal Code Section 166.4. Which states: Willful disobedience of any process or order awfully issued by a court is a misdemeanor.

ENFORCEMENT OF COURT ORDERS

Deputies shall continue to enforce violations of Penal Code, etc., according to standard Departmental procedures.

Trespassing (602 P.C.) provisions are clouded by labor law. Deputies should consult with their supervisor and call Industrial Relations Detail before enforcing trespass violations (Refer 552.1 and 555.2 P.C.).

When presented with a court order, deputies shall, prior to taking action:

- Consult with their supervisor and representative of the Labor Relations Unit by telephone to determine the validity of the order and identify the appropriate course(s) of action.

Standard Departmental private persons arrest procedures shall be followed.

STATUTE REFERENCE LIST

PENAL CODE

69	404.6	594
148	405a	647c
148.1	406	647f
240	407	653m
242	409	16590
243b	415	25400
245	452	25850
403	588a	12303.1
404	588b	

166.4 Willful disobedience of any process or order lawfully Issued by any court is a misdemeanor.

602 Trespassing (Note 522.1 and 555.2 exempt lawful union activities).

12590 Prohibited acts while picketing.

VEHICLE CODE

20002A	23152a/b
23220	21950b
23110a	23222
21954a	23110b
23223	21955
23112b	23224

21701 Interference with Driver (covering windshield with picket sign).

L.A. COUNTY ORDINANCE

11895 Demonstration Equipment Prohibited (limits picket sign handle to 1/2" x 2" diameter, 3/4" if round.

Los Angeles County
Sheriff's Department

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

ALEX VILLANUEVA
SHERIFF

LABOR DISPUTES

Emergency Operations Bureau
Labor Relations Unit
1275 N. Eastern Ave.
Los Angeles CA. 90063
(323) 980-2211
(213) 508-4816
Pager

LABOR DISPUTES

DEPARTMENTAL OBJECTIVES

Protect life and property.

* All laws and ordinances remain in force

Enforce laws fairly and impartially

* Remain totally objective towards the dispute

Protect the rights of all citizens

* Labor may demonstrate or picket lawfully
* Management may continue to function
* The general public retains the right to patronize the business without interruption

PATROL DEPUTIES

Establish contact with both labor and management.

* Labor: Business agent– shop steward-picket captain
* Management: Manager– supervisor - security

Explain law enforcement duties.

* Describe the status of negotiations and areas of conflict.
* Ascertain management's intent regarding continuing operations
* Notify the Labor Relations Detail (323) 980-2211 or (323) 980-2101 after 1700 hrs.

Make our Department polices clear to both labor and management.

* Unlawful acts will not be tolerated
* Vehicles and pedestrians may enter and exit premises without unreasonable delay

Convey to labor and management leaders their responsibilities to control the actions of their subordinates.

* Hazardous conditions shall be removed
* Dangerous actions shall cease

Do not allow the use of alcohol on the picket line.

* When practical, a warning should precede enforcement actions
* Seek the assistance of supervising union and management personnel

Patrol personnel shall not escort, direct or physically assist vehicles to or from the premises.

* Consult with the Labor Relations Unit personnel on technical questions including: Trespassing, hand billing, and union business agent activities on the facility.

Crimes shall be reported and processed in accordance with standard Departmental procedures obtaining an original file number.

* Notify the Labor Relations Unit immediately by telephone when serious crimes are reported and when arrests are made.

Non-criminal Strike related activities shall be reported on the supplemental report form using the original strike file number.

Acceptance of part time employment by deputies with either party constitutes a conflict of interest and is expressly prohibited (3-01/060.25 and .30).

DIRECTIONS TO LABOR

If law enforcement is needed at the strike location, call your (local) Sheriff's Station.

* The "911" system is reserved for emergencies only

Designate someone to be in charge of the picket line

* Business agent-shop steward-picket captain

Anyone desiring to enter/exit the premises must be allowed to do so without unreasonable delay.

* Vehicles may not be blocked

When feasible, management or union officials will be given an opportunity to remove persons who are disruptive, drinking, or under the influence.

* All applicable laws will be enforced

Discourage inappropriate people (family-friends-children from participating in any part of the labor dispute.

Picket signs shall not resemble weapons.

* Sharpened points or attached objects that could be used as weapons are not allowed.
* Utilize lightweight grapestake wood (Reference Co. Ord. #11895).

For specific advise regarding activities regulated by labor law seek legal counsel.

DIRECTIONS TO MANAGEMENT

If labor dispute activities dictate the need for law enforcement intervention, call your (local) Sheriff's Station.

* The "911" system is reserved for emergencies only

Remind employees to take extreme care driving or walking through the picket line to avoid injuries to all parties.

* Avoid verbal and physical confrontations

Protect vulnerable and hazardous areas.

* They should remain on the property and avoid confrontations with pickets
* They should refrain from engaging in intimidating behavior
* Discourage the carrying of firearms

All vehicles driven through a picket line, must yield the right of way to pickets, as they would to any pedestrian.

Remove any employees who are difficult to control.

The Sheriff's Department does not function as a private security service.

For specific advice regarding activities regulated by labor law seek legal counsel.

APPENDIX B

Crowd Management Intervention and Control Strategies

Situation Severity

Situation	Law Enforcement Response
Lawful Assembly Free Speech and assembly are protected First Amendment activities. : ➲ Speeches ➲ Marches ➲ Demonstrations ➲ Rallies ➲ Picketing ➲ Public assemblies ➲ Protests ➲ Celebratory events	***Use Crowd Management strategies*** ➲ Meet with event organizers and stakeholders ➲ Determine the history and risk of the group ➲ Create a planning team ➲ Check permit limitations ➲ Develop Incident Action Plan and objectives ➲ Identify and assign resources ➲ Monitor and assess crowd behavior ➲ Separate opposing factions ➲ Maintain video log ➲ Provide direction and expectations at roll call/briefing ➲ Engender facilitation, not confrontation ➲ Interact with organizers and gain their cooperation
Isolated Unlawful Behavior Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful. ➲ Isolated destruction of property ➲ Isolated acts of violence ➲ Isolated rock or bottle throwers ➲ Individual sit down demonstrators	***Use Crowd Intervention strategies*** ➲ Use organizers and monitors to gain voluntary compliance ➲ Isolate, arrest and remove law violators as quickly as possible ➲ Video action of officers and law violators ➲ Use amplified sound to communicate intent or to gain compliance ➲ Use low profile tactics when possible. Don't become the focus of the demonstration ➲ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams ➲ Continue to assess; escalate and de-escalate as behavior changes ➲ Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior
Unlawful Assembly Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given. Per Penal Code §407, two or more persons assemble to: ➲ Commit an unlawful act or ➲ Commit a lawful act in a boisterous or tumultuous manner	***Use Crowd Control strategies*** ➲ Seek voluntary compliance ➲ Video action of officers and law violators ➲ Act quickly ➲ Request needed resources ➲ Put control forces in place ➲ Identify dispersal routes ➲ Consider a traffic plan ➲ Move media to protected area ➲ Use amplified sound to communicate intent to declare an unlawful assembly ➲ Disperse unlawful crowd ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest individuals who fail to disperse or who are involved in illegal activity ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore traffic flow
Riot Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot. ➲ Group violent behavior ➲ Group acts of property damage	***Use Crowd Control strategies*** ➲ Video action of officers and law violators ➲ Request needed resources ➲ Put control forces in place ➲ Stop the illegal activity ➲ Put a traffic plan in place ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest law violators ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore and maintain order ➲ Restore traffic flow ➲ Discourage groups from forming ➲ Protect lives, property, and vital facilities ➲ Remain present ➲ Reassess the situation ➲ Return to normalcy ➲ Act quickly

Note: This table is neither all-inclusive nor limiting.

LAUSD PRA (0047278) - 29



POST
Guidelines

Crowd Management, Intervention, and Control

LAUSD PRA (0047278) - 30



POST Guidelines

Crowd Management, Intervention, and Control

Forward by

Paul Cappitelli

Executive Director
Commission on Peace Officer Standards and Training

POST Guidelines — Crowd Management, Intervention, and Control

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POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

LAUSD PRA (0047278) - 34

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LAUSD PRA (0047278) - 36

Intentionally blank

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LAUSD PRA (0047278) - 38

Intentionally blank

Forward

Penal Code §13514.5 requires the Commission on Peace Officer Standards and Training to establish guidelines and training for law enforcement's response to crowd management. It specifies that "the guidelines to be developed by the commission should take into consideration the roles and responsibilities of all law enforcement officers responding to acts of civil disobedience."

These guidelines provide information for law enforcement agencies to consider when addressing the complexities and broad range of issues related to crowd management. For the purposes of these guidelines, the general term "crowd management" encompasses the management, intervention, and control strategies for a law enforcement response to public assemblies and gatherings that can range from peaceful/non-violent to unlawful and riotous.

The guidelines are not meant to constitute policy, nor are they intended to establish a statewide standard. They are solely a resource for law enforcement leaders to provide foundational guidance for the facilitation of First Amendment rights while allowing discretion and flexibility in the development of individual agency policies.

The information contained in this publication represents the best thinking of contemporary law enforcement leadership. POST is grateful for the assistance of the Guidelines Development Committee who generously gave of their time and expertise.

Questions or comments concerning these guidelines should be directed to the POST Training Program Services Bureau at 916 227-4885.

Paul Cappitelli
Executive Director
Commission on Peace Officer Standards and Training

LAUSD PRA (0047278) - 40

Intentionally blank

Introduction

In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states ***"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."***

A fundamental role of law enforcement is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In turn, law enforcement also has the responsibility to ensure public safety and to protect the lives and property of all people. The sometimes competing goals of maintaining order while protecting the freedoms of speech and assembly stand as one of law enforcement's greatest challenges.

These guidelines are designed to assist law enforcement leadership in addressing the many challenges and broad range of issues surrounding a response to incidents of crowd management. All law enforcement leaders should familiarize themselves with the guidelines, strategies, terms, and definitions set forth in this document. These are the generally accepted principles of crowd management, intervention and control, and should serve to guide a law enforcement agency's response to both lawful and unlawful assemblies.

Law enforcement planners should be proactive in consulting with and advising their jurisdiction's elected and administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

LAUSD PRA (0047278) - 42

Intentionally blank

Contents

POST Mission Statement i

POST Commissioners iii

Guidelines Development Committee v

Forward vii

Introduction ix

Part 1 Law Enforcement Objectives 1

- ***Guideline 1.1*** Law Enforcement Objectives in the 21st Century 1
- ***Guideline 1.2*** Principles of Crowd Management 3
- ***Guideline 1.3*** Community Stakeholders 5

Part 2 Planning and Preparation 7

- ***Guideline 2.1*** Incident Command System (ICS) and Standardized Emergency Management Systems (SEMS) 7
- ***Guideline 2.2*** Incident/Event Planning 9
- ***Guideline 2.3*** Crowd Behavior 13
- ***Guideline 2.4*** Mutual Aid & Multi-Agency Coordination 15
- ***Guideline 2.5*** Public Agency and Community-Based Resources 17
- ***Guideline 2.6*** Training for Managing Crowds 19

Part 3 Information Management 21

- ***Guideline 3.1*** Information Gathering and Assessment 21
- ***Guideline 3.2*** Incident Documentation 23

Part 4 Roles and Responsibilities 25

- ***Guideline 4.1*** Command and Control 25
- ***Guideline 4.2*** Leadership Responsibilities 27
- ***Guideline 4.3*** Criminal Investigation 29

Part 5 Crowd Control 31

- ***Guideline 5.1*** Crowd Management, Intervention, and Control Strategies 31
- ***Guideline 5.2*** Dispersal Orders 33
- ***Guideline 5.3*** Mass Arrests and Bookings 35
- ***Guideline 5.4*** Use of Force: Force Options 39
- ***Guideline 5.5*** Use of Nonlethal Chemical Agents 41

Part 6 Media 43

- ***Guideline 6.1*** Media Strategies 43
- ***Guideline 6.2*** Electronic Communication and Social Media 45

Appendix A Terms and Definitions 47

Appendix B Crowd Management Intervention and Control Strategies 51

Appendix C Applicable Statutes 53

Appendix D Applicable Case Law 57

Appendix E Training and Information Resources 61

LAUSD PRA (0047278) - 44

Intentionally blank

PART 1

Law Enforcement Objectives

Guideline 1.1

Law Enforcement Objectives in the 21st Century

Establish policies and procedures that recognize and address law enforcement objectives and provide for the legal protection of the Constitutional rights of all persons.

Discussion: Law enforcement must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. When establishing policies and procedures, every agency should consider that all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.

Law enforcement planners should be proactive in consulting with and advising their jurisdiction's elected and administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

Issues to consider (not in priority order):

- Protection of Constitutional rights
- Fair and impartial enforcement of laws
- Protection of life and property
- Protection of vital facilities
- Prosecution of violators
- Public and peace officer safety
- Potential for disruption to commerce and community affairs

LAUSD PRA (0047278) - 46

Intentionally blank

Guideline 1.2

Principles of Crowd Management

Establish policies and procedures designed for effective response by law enforcement to crowd management events.

Discussion: Any public assembly or gathering, whether for lawful or unlawful purposes, may require the response of law enforcement. The response can range from observation to engaging in various crowd management strategies.

Not all crowd situations involve unlawful behavior. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

Effective response to crowd management events necessitates adherence to certain foundational principles (not in priority order):

- Leadership
- Knowledge of Constitutional law
- Knowledge of law and agency policies as they relate to use of force and information gathering
- Proper planning
- A willingness to reach out to protest groups and stakeholders
- Using time, patience, and communication to attempt to facilitate lawful protest activities and obtain voluntary compliance when feasible
- Use of the Incident Command System (ICS) and Standardized Emergency Management System (SEMS) to maximize proper command and control
- Appropriate use of the mutual aid system (see Guideline 2.4, page 15)
- Seeking support of community and public agency resources
- Training
- Situational awareness
- Proper incident documentation
- Thorough and complete criminal investigations
- Effective strategies and tactics
- Objectively reasonable use of force
- Liaison with the media and a well-managed media relationship
- Understanding and working with social media and electronic communication



LAUSD PRA (0047278) - 48

Intentionally blank

Guideline

1.3

Community Stakeholders

Establish procedures to identify and liaise with community stakeholders for the purpose of developing relationships, receiving input, and engaging in collaborative discussion.

Discussion: Stakeholder involvement is critical for effective law enforcement response to crowd management events. Law enforcement should embrace collaboration with community stakeholders when planning for and responding to public assemblies and gatherings.

Community stakeholders may include (not in priority order):

- Advocacy groups
- Business associations
- Civil rights organizations
- Elected officials
- Labor organizations
- Leaders of local/state government
- Neighborhood associations
- Religious groups/clergy
- Schools/colleges/universities
- Special interest groups

LAUSD PRA (0047278) - 50

Intentionally blank

PART 2

Planning and Preparation

Guideline 2.1

Incident Command System (ICS) and Standardized Emergency Management Systems (SEMS)

Use the Incident Command System, an element of the Standardized Emergency Management System, when managing crowds.

Discussion: The ICS is considered the model for managing the response to critical incidents including crowd management and civil demonstrations. SEMS, established by Government Code §8607(a), incorporates ICS and must be utilized by law enforcement agencies to apply for potential reimbursement from the State of California. Law enforcement's use of ICS is outlined in the *Law Enforcement Guide for Emergency Operations*.

SEMS consists of the following five organizational levels that are activated as necessary:

1) Field Response
2) Local Government
3) Operational Area
4) Region
5) State

The Field Response Level also consists of five primary Incident Command System functions:

1) Command
2) Operations
3) Planning/Intelligence
4) Logistics
5) Finance/Administration



The benefits of applying the principles of ICS for incident planning and response include:

- A unified structure for emergency response
- A useful framework for facilitating the planning process
- Clarification of roles and planning for an event's logistics and operations
- A structure that can be tailored to fit the needs of each agency or event

The *Law Enforcement Guide for Emergency Operations* can be found on the California Emergency Management Agency (CalEMA) website at www.calema.ca.gov.

LAUSD PRA (0047278) - 52

Intentionally blank

Guideline

2.2

Incident/Event Planning

Initiate incident/event planning consistent with the Incident Command System (ICS).

Discussion: Planning and preparation are essential elements of effective crowd management. The planning process establishes a foundation for informed decision-making and accountability. For pre-noticed events, agencies have the opportunity to develop in-depth operational plans. Prior planning experiences and after-action reports can provide a basic level of guidance and operational consistency when planning for pre-noticed events and responding to spontaneous incidents.

Law enforcement leaders are encouraged to apply the principles of the Incident Command System when developing operational plans, to include the use of ICS forms.

Incident/event planning steps may include (not in priority order):

- Determining command and control
 - Identifying incident, operations, and tactical commanders
 - Outlining the circumstances in which command and control responsibilities transfers to another level
 - Identifying staffing requirements for department operations center and/or emergency operations center
- Identifying and establishing incident objectives
- Developing a flexible operations plan
- Identifying partner law enforcement agencies (local, state, and federal as applicable)
- Considering cross-jurisdictional issues
- Contacting police agencies that have prior experience with similar events or groups
- Identifying and conferring with other city/county/state agencies that can contribute logistical support (see Guideline 2.5, page 17)
- Determining operational security needs, including:
 - Counter-surveillance activities
 - Counter-intelligence activities
- Developing protocols for event information gathering and disseminating
- Meeting with event organizers
- Identify potential protest groups and offering to meet with them
- Meeting with advocacy groups and other stakeholders

LAUSD PRA (0047278) - 54

Guideline

2.2 Incident/Event Planning (cont)

Initiate incident/event planning consistent with the Incident Command System (ICS).

- Researching applicable laws/ordinances/regulations
 - Considering reasonableness of any "Time, Place and Manner" restrictions [*Mardi Gras of San Luis Obispo v. City of San Luis Obispo*, 189 F. Supp. 2d 1018 (2002)]
- Reviewing use of force policies and procedures, including:
 - Level of authorization required
 - Authorized equipment/tools/techniques
 - Reporting protocols
- Reviewing parameters and methods for declaring an "unlawful" assembly
- Planning for media contact, including:
 - Establishing procedures for information dissemination
 - Identifying Public Information Officer(s)
 - Establishing procedures for media access
 - Establishing staging area(s)
- Outlining crime investigation/arrest protocols
 - Multi-agency/jurisdictional events
- Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air or marine support, mobile field force, haz-mat)
- Considering the use of plain-clothes resources
- Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical)
- Setting up logistical support for officers
 - Food and water
 - Rest intervals
 - Specialized equipment
 - Personal protective equipment
 - Mass-arrest supplies
 - Spare vehicles and fuel
 - Property and evidence control
 - Storage
 - Consideration for bio-hazards
 - Decontamination



Guideline

2.2 Incident/Event Planning (cont)

Initiate incident/event planning consistent with the Incident Command System (ICS).

- Considering interoperability issues (e.g., individual communications—radios, cell phones)
 - Developing a communications plan
- Identifying available translators when needed
- Arranging for other equipment (e.g., barriers, fencing, cutting equipment, containment alternatives)
- Arranging for vehicle removal/towing capability
- Developing a demobilization plan
- Considering post-event scene stabilization to prevent recurrence of unlawful activity
 - Methods and resources
 - Short-term requirements
 - Long-term requirements
- Ensuring timely post-event debriefing
- Considering soliciting input from event organizers
- Producing a written after-action report outlining lessons learned and training opportunities
 - Establish a retention plan for operational plans and after-action reports
- Reviewing standing plans for effectiveness

LAUSD PRA (0047278) - 56

Intentionally blank

Guideline

2.3

Crowd Behavior

Recognize patterns of behavior and be prepared to respond appropriately to various types of crowds.

Discussion: Be aware of the various types of behaviors associated with crowds that may result in a law enforcement response. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both and the individuals involved can engage in various behaviors. These behaviors can vary from lawful assembly to individual criminal acts to civil disobedience to rioting. If feasible, law enforcement should identify and isolate unlawful behavior.

A sampling of crowds and crowd behaviors (not in priority order):

Crowds

- Anarchists
- Community celebrations
- Crime scenes
- Disasters
- Entertainment events
- Labor disputes
- Media events
- Mobile crowds
- Flash mobs
- Parades
- Parties/social gatherings
- Political events
- Product release/commercial activity
- Social agenda driven events (e.g.,, abortion, animal rights, jury decisions, environmental issues, etc.)
- Sporting events
- Traffic collisions



Crowd Behaviors

- Lawful
- Isolated unlawful
- Unlawful
- Riotous

LAUSD PRA (0047278) - 58

Intentionally blank

Guideline

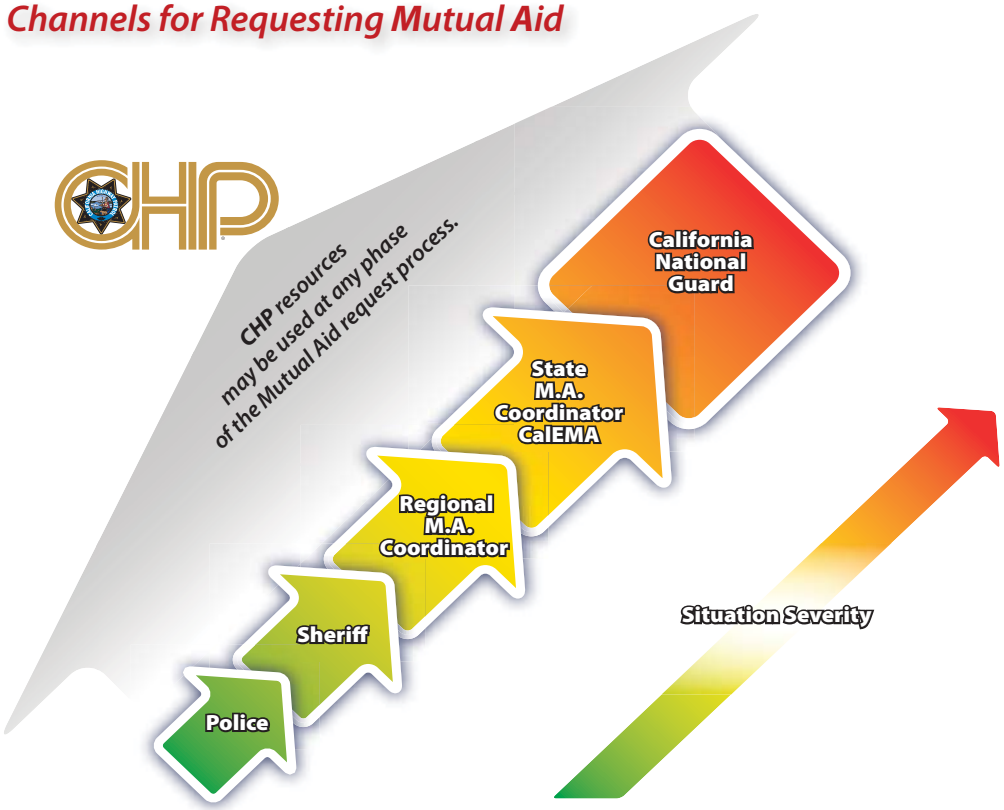
2.4 Mutual Aid & Multi-Agency Coordination

Be familiar with the California Law Enforcement Mutual Aid System and Plan.

Discussion: Agencies should be familiar with the process and responsibilities of requesting and receiving law enforcement mutual aid. Large demonstrations and mass gatherings have the potential to tax the resources of any law enforcement agency. Agencies should be familiar with the California Emergency Management Agency, Law Enforcement Division's *Law Enforcement Mutual Aid Plan* and its companion document, *Law Enforcement Guide for Emergency Operations*. Both of these publications are available on the California Emergency Management Agency (CalEMA) website at www.calema.ca.gov.

The size and magnitude of an event requiring law enforcement response will dictate the need for multi-agency coordination and cooperation to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event will include pre-event planning (if possible), well-defined missions and objectives, specific uniform and equipment requirements, identified staging areas and incident facilities, adequate briefings, an incident action plan, use of force considerations, communication plan, arrest protocols, logistical support (food, lodging, rest intervals, etc.), and financial agreements (if contractual mutual aid for a planned event).

Channels for Requesting Mutual Aid



LAUSD PRA (0047278) - 60

Guideline

2.4 Mutual Aid & Multi-Agency Coordination (cont)

Be familiar with the California Law Enforcement Mutual Aid System and Plan.

Law Enforcement Mutual Aid Regions



Region	Counties
I	Los Angeles, Orange
IA	Santa Barbara, San Luis Obispo, Ventura
II	Alameda, Contra Costa, Del Norte, Humbolt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma,
III	Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehema, Trinity, Yuba
IV	Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Tuolumne, Yolo
V	Fresno, Kern, Kings, Madera, Mariposa, Merced, Kern
VI	Imperial, Inyo, Mono, Riverside, San Bernardino, San Diego



LAUSD PRA (0047278) - 61

Guideline

2.5 Public Agency and Community-Based Resources

Establish procedures to identify, develop, and utilize public agency and community-based resources.

Discussion: Collaborating with other public agencies and community-based resources is necessary for effective law enforcement response to crowd management events. Law enforcement should use available public agency and community-based resources when planning for and responding to crowds.

Public agency and community-based resources may include (not in priority order):

- Adjacent law enforcement agencies (i.e., mutual aid)
- Animal control
- California Emergency Management Agency
- City Manager/County Administrator
- City/County/State Departments of Transportation
- Correctional facilities
- District Attorney/City Attorney/Agency Counsel
- EMS providers/ambulance services
- Fire services
- Hospitals
- Judiciary
- National Guard
- Parks and recreation
- Parole and probation
- Public health services
- Public transportation
- Public works
- Red Cross/Salvation Army or other similar service providers
- Refuse/waste removal services
- Schools/colleges/universities
- Social services
- Utility companies

LAUSD PRA (0047278) - 62

Intentionally blank

Guideline

2.6 Training for Managing Crowds

Establish procedures to provide training for law enforcement command and operational staff in managing crowds.

Discussion: It is important to prepare for incidents through recurring training and simulation exercises. Command personnel need to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel need to understand the law, policy, tactics, and mission objectives.

Officer discipline and restraint is an essential component in successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be an ongoing process. Training should be relevant and realistic.

Training may include (not in priority order):

- Agency policies and procedures
- Arrest and control techniques
- Baton/impact weapon techniques
- Case and statutory law
- Command decision-making
- Continuing Professional Training (CPT)
- Crowd dynamics
- Incident Command Post and field exercises
- Intervention strategies
- ICS/SEMS
- Less-lethal munitions (e.g., specialty impact munitions)
- Mass-arrest
- Media relations
- Mobile Field Force
- Mutual aid
- Nonlethal chemical agents
- Supervisory leadership
- Tactical decision-making
- Team arrest techniques



Note: *See* ***Training and Information Resources****,* page 61

LAUSD PRA (0047278) - 64

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PART 3

Information Management

Guideline

3.1 Information Gathering and Assessment

Establish policies and procedures to address the collection of information prior to, during, and after crowd management events.

Discussion: Gathering and analyzing information about an event can dramatically increase the effectiveness of an agency's planning and response to incidents involving crowd management. When estimating the impact of an anticipated event, law enforcement must consider the need to:

- Protect the rights of persons to lawfully assemble and express their opinions
- Preserve the peace
- Deploy officers for crowd and traffic control

The collecting of information must be for a reasonable law enforcement purpose and be mindful of Constitutional rights. A reasonable law enforcement purpose means that the information being collected is intended to:

- Assist the agency in facilitating event-related activities
- Assist the agency in providing a public safety response
- Address unlawful conduct—either past, present, or anticipated
- Not solely focus on the exercise of rights guaranteed by the First Amendment

A pre-event assessment may include:

- Determining the time of assembly, duration of event, location, and type of activities planned
- Estimating the number of persons expected to participate or observe
- Reviewing any previous events involving the same or similar groups
 - Assess actions and equipment utilized by groups in prior incidents
- Analyzing the expected time of arrival and departure, and the means and routes of travel for participants
 - Attempt to determine impact on public transportation, freeways and roadways
 - Attempt to determine impact on commerce and public accessibility
 - Analyze potential activities and hazards along the route
- Analyzing the potential for opposing/counter groups
- Assessing public safety concerns associated with the event

When gathering information about groups and their actions, agencies should confer with their legal advisor regarding guidelines and court decisions related to the collection and dissemination of information.

LAUSD PRA (0047278) - 66

Intentionally blank

Guideline

3.2

Incident Documentation

Establish protocols for documenting crowd management events.

Discussion: Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of law enforcement's response to an event. Documentation should begin with the planning process. Proper documentation can aid law enforcement to address complaints, civil litigation, and requirements for potential reimbursement. Agencies should ensure record retention protocols are followed.

Use of force should be reported consistent with agency policy. Agencies should ensure that use of force is accounted for and reported to the Incident Commander prior to the conclusion of the law enforcement response.

Agencies should anticipate that all documentation, including electronic communications, may be subject to subpoena and Public Records Act, Government Code §6250–6270 requests.

Methods of documentation may include (not in priority order):

- Still photography
- Audio recording
- Video recording
- Written log/journal
- Reports (including after-action reports and any appropriate ICS forms)
- Media reports/open source footage
- Communication, dispatch tapes and printouts

Subjects to be documented may include (not in priority order):

- Pre-event planning
- Incident/Event Action Plan
- Records of law enforcement decisions and information
- Records of law enforcement actions in response to the event
- Property damage
- Injuries and claims of injuries (participants and law enforcement)
- Collective and individual behavior of participants
- Individual arrests
- Individual officer's actions
- Use of force
- Evidence/property collected
- After-Action Report

LAUSD PRA (0047278) - 68

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PART 4

Roles and Responsibilities

Guideline

4.1 Command and Control

Establish policies and procedures to address issues of command and control for effective law enforcement response to crowd management events.

Discussion: Agencies should use the Incident Command System (ICS) as a basis to structure a law enforcement response to crowd management events. The Incident Commander is in command of the event. The Incident Commander must establish the objectives of the incident action plan, consider new information, continually re-evaluate the situation, assess available resources, and balance competing demands to best achieve incident objectives.

Establishing a clear command structure during an incident is essential. Unity of command is the concept that each officer is assigned to only one supervisor. It clearly identifies the individual in charge of any specific group of officers, function or assignment. Unity of command provides for effective management of both pre-planned and spontaneous events.

When responding to a spontaneous event, individuals of any rank may serve as Incident Commander until relieved by a ranking officer. All personnel should be trained in the Standardized Emergency Management System (SEMS), and, specifically, the Incident Command System.

A key principle for establishing unity of command is that each individual in a command or supervisory role knows the following:

- To whom he/she reports
- His/her role, responsibilities, and objectives
- What resources are allocated and available
- His/her geographical or functional area of operation

The transfer of command, at any level, requires the person assuming command to:

- Assess the situation with the current Incident Commander
- Receive a briefing from the current Incident Commander
- Determine an appropriate time for the transfer of command
- Document the transfer of command
- Notify others of the change of command



LAUSD PRA (0047278) - 70

Intentionally blank

Guideline

4.2

Leadership Responsibilities

Recognize the essential role of leadership during any crowd management event.

Discussion: A key component to the success of any crowd management event is that all personnel demonstrate competent leadership, regardless of rank. Effective leaders are accountable, organized, and decisive; they delegate appropriately, provide clear direction, and lead by example. Leadership at critical incidents should be guided by their agency's policies, procedures, and the law.

Leadership responsibilities may include (not in priority order):

- Understanding and maintaining focus on the objectives
- Being available for decision-making
- Accepting responsibility
- Being proactive to reasonably control emotional responses of on-scene personnel
- Making adjustments to operational tempo as needed
- Communicating throughout the chain of command as required
- Instilling confidence
- Emphasizing teamwork and avoiding individual action
- Recognizing and addressing safety concerns of personnel
- Continuously reassessing the situation and adjusting the response as necessary

LAUSD PRA (0047278) - 72

Intentionally blank

Guideline

4.3 Criminal Investigation

Establish procedures to investigate and prosecute criminal activity that may occur at public gatherings.

Discussion: Crowd behaviors that result in criminal activity should be investigated and documented. Statutory offenses may include, but not be limited to, trespass, unlawful assembly, failure to disperse, assault, rioting, vandalism, and conspiracy.

Private person's arrests should be considered when appropriate. Arrests should be based upon applicable laws and advice from prosecutors. Conspiracy charges may be appropriate but are frequently overlooked.

Investigative considerations may include (not in priority order):

- Identifying crimes
- Consulting with city/district attorney prior to and after the event
- Identifying a master report writer/case agent
- Identifying an evidence coordinator
- Gathering documents that may aid in an investigation (including press releases, Internet material, signs, banners, etc.)
- Obtaining available video evidence
- Reviewing each arrest
- Recording specific chants with nexus to unlawful activity and, when possible, identifying who is leading them
- Photographing/video recording the event
- Maintaining evidence beyond the criminal prosecution, pending potential civil litigation
- Collecting samples of weapons (rocks, bottles, etc.) utilized in the commission of a crime

Evidence considerations for conspiracy investigations may include (not in priority order):

- Clothing and items showing affiliation with similar groups
- Computers and storage devices
- Documents (correspondence, address books, journals, etc.)
- E-mail
- Manifestos
- Photographs (including criminal activity and assembly site before and after)
- Posts on social media and Internet sites
- Telephone records
- Video recordings

Note: *Seizures of some of these items may require a search warrant*

LAUSD PRA (0047278) - 74

Intentionally blank

PART 5

Crowd Control

Guideline

5.1 Crowd Management, Intervention, and Control Strategies

Develop crowd management, intervention, and control strategies to address crowd behavior, either lawful or unlawful, that impacts public safety.

Discussion: Lawful gatherings may often conclude without any need for law enforcement intervention. Every event should be independently assessed to determine the tactics that will effectively support and facilitate First Amendment activity, and provide for public safety. Tactics employed may evoke a positive or negative response (e.g., a strong "show of force" may calm and disperse a crowd or incite them). The intervention strategies agencies utilize will depend upon available resources and the totality of the circumstances. Crowds and criminal acts committed by participants within the crowd require a flexible response. Strategies include containment, control, communication, tactical information, coordination and response. Planning for crowd management incidents should include consideration of contingencies.

Crowd management, intervention, and control strategies and tactical considerations may include (not in priority order):

- Establishing contact with the crowd
- Gaining verbal compliance
- Supporting and facilitating First Amendment activities
- Developing a traffic management and/or control plan
- Using crowd control and dispersal methods
- Protecting critical facilities
- Providing a high-visibility law enforcement presence

Note: *For a more comprehensive list of considerations, see* *Appendix B, page 51.*



LAUSD PRA (0047278) - 76

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Guideline

5.2 Dispersal Orders

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Discussion: Law enforcement agencies should understand the law as it pertains to an unlawful assembly. The decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code section 407 and interpreted in court decisions. The terms "boisterous" and "tumultuous" as written in Penal Code section 407 have been interpreted as conduct that poses a clear and present danger of imminent violence [*In re Brown* (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [*Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Order Example "I am (peace officer's name and rank), a peace officer for the (name of jurisdiction). I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force* which may inflict significant pain or result in serious injury. Penal Code §409 prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code §409. The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse."

** Agencies may want to consider including the description of specific use-of-force options (e.g., electronic control device, baton, chemical agents).*

LAUSD PRA (0047278) - 78

Guideline

5.2

Establish procedures for declaring unlawful assemblies and issuing dispersal orders.

Dispersal Orders (cont)

Methods that may be used to deliver and document dispersal orders includes (not in priority order):

- Loud speech
- Amplified sound
- Display of signage indicating unlawful assembly and dispersal
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order
- Acquiring multiple-language capability
- Using video/audio recording equipment for documentation of the dispersal order

Guideline

5.3 Mass Arrests and Bookings

Develop procedures for conducting and managing mass arrests and bookings.

Discussion: The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations that are resource intensive. Any process must be flexible enough to handle challenges that may confront the field force.

Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation.

Maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee's specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort by all involved criminal justice entities is essential to ensure proper arrest, booking, and prosecution of violators.

Maintain accountability of evidence. Consideration should be given to maintaining evidence beyond criminal prosecution, pending potential civil litigation.

Mass arrest and booking considerations may include (not in priority order):

- Booking/processing area:
 - On-site, off-site or temporary holding facility
 - Medical staff
 - Security (protest groups often target booking facilities)
 - Weather issues
 - Media issues
- Designated arrest teams
 - Armed
 - Unarmed
 - Protective clothing
 - Handcuff-release devices

LAUSD PRA (0047278) - 80

Guideline

5.3 Mass Arrests and Bookings (cont)

Develop procedures for conducting and managing mass arrests and bookings.

- Documentation (photo/video/written) of arrests
 - Date
 - Time
 - Location
 - Offense(s)
 - Arresting peace officer(s)
 - Identification of arrestees
 - Disposition
- Computer access for records checks, etc.
- Telephone access
- Designated booking teams
- Prisoner transportation
 - Special needs (e.g., wheelchairs)
- Segregation issues
 - Gender
 - Gangs
 - Juveniles
- Personal needs issues
 - Restrooms
 - Water
 - Food
- Coordination with:
 - Medical
 - Jail
 - Court
 - District/City Attorney
 - Probation/parole
 - Public Defender's Office
 - Private attorneys



Guideline

5.3

Mass Arrests and Bookings (cont)

Develop procedures for conducting and managing mass arrests and bookings.

- Sufficient handcuffs/restraint equipment
- Sufficient forms/paperwork
 - Booking forms
 - Field release from custody
 - Field interview cards
 - Evidence collection/storage of materials
- Master report writer/case agent
- Public affairs/media relations representative
 - Public service announcements

LAUSD PRA (0047278) - 82

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Guideline

5.4 Use of Force: Force Options

Develop use of force policies, procedures, and training for managing crowds engaged in unlawful activity.

Discussion: The law enforcement response to unlawful behavior should be consistent with the agency's use of force policy and the law. The reasonableness of force used to effect a seizure is determined by balancing the nature and quality of the intrusion on the individual's Fourth Amendment interests against the governmental interests at stake. *Graham v. Connor*, 490 U.S. 386, 396-397 (1989). In determining the governmental interest, the Court traditionally examines three factors:

1) The severity of the crime at issue
2) Whether the suspect posed an immediate threat to the safety of officers or others
3) Whether the suspect was actively resisting arrest or attempting to evade arrest by flight

According to *Young v. County of Los Angeles*, 655 F.3d 1156, 1163-1166 (9th Cir. 2011), the Court emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public. The *Young* court refers to *Headwaters I and II*, when balancing the nature and quality of the intrusion against the governmental interests, wherein a suspect is non-violent and poses no threat to the safety of the officers or others. See *Young*, 655 F.3d at 1162 and 1165 (citing *Headwaters Forest Defense v. County of Humboldt*, 240 F.3d 1185, 1199-1200, 1204 (9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801. (2001) (*Headwaters I*); and, see *Young*, 655 F.3d at 1167 (citing *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d 1125, 1129-31 (9th Cir. 2002) (*Headwaters II*).

Periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. Training should reflect reasonable use of force alternatives so officers are prepared to consider the tactics/force options available; *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994). Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances; *Scott v. Henrich*, 39 F. 3d 912 (9th Cir. 1994), and *Forrester v. City of San Diego*, 25 F. 3d 804 (9th Cir. 1994). When feasible, prior to the use of a particular force option, officers should consider the availability of less-intrusive measures; *Young*, 655 F.3d at 1166; *Bryan v. McPherson*, 630 F. 3d 805, 831 (9th Cir. 2010).

Warnings should be given, when feasible, if the use of force may inflict significant pain or result in serious injury; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001).

In all situations, the force used must be objectively reasonable under the totality of the circumstances. *Graham v. Connor*, 490 U.S. at 397.

LAUSD PRA (0047278) - 84

Guideline

5.4 Use of Force: Force Options (cont)

Develop use of force policies, procedures, and training for managing crowds engaged in unlawful activity.

Use-of-force considerations may include (not in priority order):

- Determining compliance or non-compliance of individuals
- Moving non-compliant offenders
- Anticipating possible actions of demonstrators
- Identifying criminal violations
- Developing arrest protocol
- Addressing the use of pain compliance techniques
- Planning for physically challenged, elderly, and child demonstrators
- Considering the resources available based on the situation
- Evaluating availability of other public safety resources
- Using personal protective equipment
- Planning for the safety of bystanders and the media
- Evaluating the mobility of suspects/protestors
- Determining avenues of controlled departure
- Anticipating potential need for medical resources
- Addressing the use of less-lethal munitions and chemical agents

Force options may include (not in priority order):

- Law enforcement presence
- Verbalization
- Control holds
- Compliance techniques
- Control devices
- Nonlethal chemical agents
- Electronic control devices (ECD)
- Impact weapons/batons
- Less-lethal munitions
- Deadly force



Guideline

5.5

Use of Nonlethal Chemical Agents

Develop policies and procedures regarding deployment of nonlethal chemical agents during incidents of civil disobedience. Ensure awareness that the application of nonlethal chemical agents is considered an "intermediate" level of force and must be reasonable under the totality of the circumstances.

This guideline must be applied in conformance with Guideline 5.4, Use of Force: Force Options.

Discussion: Case law has determined that the use of nonlethal chemical agents can cause significant pain and is an "intermediate" level of force; *Young v. County of Los Angeles*, 655 F.3d 1156, 1162 (9th Cir. 2011). Since *Young* held that chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001).

Use of nonlethal chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstances. Each agency should consider when, where, and how nonlethal chemical agents may be deployed, and consider potential collateral effects.

Only properly trained personnel should be authorized to deploy nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security must be addressed by each agency.

Nonlethal chemical agent deployment considerations may include (not in priority order):

- Safety of personnel involved
- Personnel available
- Methods of delivery
- Weather conditions
- Wind direction
- Physical location/terrain considerations
- Effect on law enforcement horses
- Types of agents available
- Protective devices for personnel
- Decontamination
- Potential exposure to children, elderly, and persons with disabilities

LAUSD PRA (0047278) - 86

Guideline

5.5 Use of Nonlethal Chemical Agents (cont)

Develop policies and procedures regarding deployment of nonlethal chemical agents during incidents of civil disobedience. Ensure awareness that the application of nonlethal chemical agents is considered an "intermediate" level of force and must be reasonable under the totality of the circumstances.

Nonlethal chemical agent policy considerations may include (not in priority order):

- Circumstances
- Training
- Reporting
- Types of agents
- Appropriate methods of deployment
- Identity of person(s) who can authorize the use of nonlethal chemical agents
- Identity of person(s) trained to deploy nonlethal chemical agents
- Decontamination/observation
- Medical attention
- Storage, replacement, and inventory accountability
- Field issuance, deployment, and accountability for recovery
- Protective mask fit testing
- Multi-agency events

PART 6

Media

Guideline

6.1 Media Strategies

Develop policies and procedures for facilitating the role of the media during incidents that require a law enforcement response to manage crowds.

Discussion: Having an effective media relationship is important to law enforcement when addressing crowd management incidents. The more that law enforcement interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting. In most instances involving crowd management events, it is beneficial for an agency to routinely provide timely information rather than simply respond to inquiries.

Media strategies may include (not in priority order):

- Assigning a Public Information Officer(s) (PIO) to the event
- Complying with Penal Code §409.5
- Developing a plan to address non-traditional media in the crowd
- Providing a single point of contact that the media can call/access to receive timely updates
- Ensuring timely, accurate information about the event
- Taking proactive steps to provide information rather than merely responding to inquiries
- Considering dissemination of information to the media that may include:
 - The what, where and when of anticipated activities
 - Specific parade or protest routes
 - Locations subject to disruption of normal business or traffic
 - The extent of disruption expected
 - Alternative routes and/or mass transit alternatives
- Informing the media of law enforcement expectations during a dispersal order(s)
- Establishing a media staging area
- Considering use of a media pool (camera, radio, print)
- Considering embedding media with law enforcement when appropriate
- Considering establishing a Joint Information Center (JIC)

LAUSD PRA (0047278) - 88

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Guideline

6.2 Electronic Communication and Social Media

Develop policies and procedures for the use of electronic communication and social media as both an effective means of communicating with the community and an investigative tool.

Discussion: The use of electronic communication and social media has grown exponentially over the last decade. People of all ages and organizations of all types now commonly use a vast array of electronic devices. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations, and in other strategic initiatives. Electronic communication and social media have specific application to law enforcement's response to incidents of crowd management.

Considerations for law enforcement regarding utilization of electronic communication and social media may include (not in priority order):

- Quickly informing the public and media about events, developments, police activities, or other announcements in real time
- Building relationships with the public, special interest groups, and protesters
- Providing ways for the public to communicate with law enforcement, such as reporting suspicious activity
- Informing crowds by posting instructions to attendees
- Communicating with citizens about crime information, road closures, etc.
- Providing relevant information, prior to and during an event
- Providing timely warnings, emergency notifications, and/or advisories to mass recipients (e.g., reverse 9-1-1, texting, etc.)
- Establishing operational security and identifying legal implications in the official use of electronic communication and social media platforms
- Developing agency-specific policies and procedures with regard to the personal use of electronic communication and social media that includes measures to ensure operational security.

LAUSD PRA (0047278) - 90

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APPENDIX A

Terms and Definitions

Anarchist
A person who uses unlawful, violent means to cause disorder or upheaval

Active Resistance
To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report
A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol
The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.

Arrest Teams
Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

Assaultive Resistance
Aggressive or combative behavior which attempts or threatens to assault an officer.

Booking Teams
Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

Chemical Agents
See Nonlethal Chemical Agents, page 49.

Civil Disobedience
An unlawful event involving a planned or spontaneous demonstration by a group of people.

Civil Disorder
An unlawful event involving significant disruption of the public order.

Command
The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

Compliance Techniques
Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

Compliant Behavior
Behavior consistent with submitting to lawful orders of a peace officer without resistance.

Control Devices
Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

Cordoning
Surrounding or enclosing a particular problem area; also referred to as perimeter control.

Critical Facilities
Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

Crowd
A number of persons gathered together.

Crowd Control
Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

Crowd Dynamics
Factors which influence crowd behavior.

Crowd Intervention
Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

Crowd Management
Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.

LAUSD PRA (0047278) - 92

Decontamination
Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

Discipline
Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

Dispersal Order
Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

Dismounted Tactics
Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

Emergency Operations Center (EOC)
A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

Essential Elements of Information (EEI)
Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

Flash Mob
A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

Flashpoint
Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

Force Options
Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

Formations
Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

Incident Action Plan (IAP)
A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

Incident Command System (ICS)
The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

Incident Objectives
Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.

Leadership
The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

Less Lethal Impact Munitions
Projectiles launched or otherwise deployed for purposes of overcoming resistance , preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

Life Threatening
Any action likely to result in serious injury or death of an officer or another person.

Management
The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

Mobile Arrest and Booking Teams
Mobile teams designated to assist field personnel with mass arrests and processing.

Mobile Field Force
An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

Mobile Tactics
The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

Mob
A disorderly group of people engaged in unlawful activity.

Mounted Tactics
Crowd control while mounted on horses.

Non-Compliant Behavior
Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

Nonlethal Chemical Agents
Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

Noticed Events
Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

Operations Plan
A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

Operations Security (OPSEC)
Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

Pain Compliance
Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

Passive Resistance
Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

Perimeter Control
See Cordoning, page 47.

Photographic Teams
Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

Policy
Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency's objective.

Procedure
A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

Public Disruption
The interruption or disturbance of public order.

Stakeholder
Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

Sectoring
An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

Social Media
Communications of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

Spontaneous Events
Public assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

Standardized Emergency Management System (SEMS)
A system required by California Government Code for managing response to multi-agency and multijurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

Tear Gas
The term used in the California Penal Code for what law enforcement more accurately refers to as "nonlethal chemical agents."

LAUSD PRA (0047278) - 94

Unified Command

In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

Unity of Command

The concept by which each person within an organization reports to one and only one designated person.

Unlawful Assembly

Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

LAUSD PRA (0047278) - 95

APPENDIX B

Crowd Management Intervention and Control Strategies

Situation Severity

Situation	Law Enforcement Response
Lawful Assembly Free Speech and assembly are protected First Amendment activities. : ➲ Speeches ➲ Marches ➲ Demonstrations ➲ Rallies ➲ Picketing ➲ Public assemblies ➲ Protests ➲ Celebratory events	***Use Crowd Management strategies*** ➲ Meet with event organizers and stakeholders ➲ Determine the history and risk of the group ➲ Create a planning team ➲ Check permit limitations ➲ Develop Incident Action Plan and objectives ➲ Identify and assign resources ➲ Monitor and assess crowd behavior ➲ Separate opposing factions ➲ Maintain video log ➲ Provide direction and expectations at roll call/briefing ➲ Engender facilitation, not confrontation ➲ Interact with organizers and gain their cooperation
Isolated Unlawful Behavior Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful. ➲ Isolated destruction of property ➲ Isolated acts of violence ➲ Isolated rock or bottle throwers ➲ Individual sit down demonstrators	***Use Crowd Intervention strategies*** ➲ Use organizers and monitors to gain voluntary compliance ➲ Isolate, arrest and remove law violators as quickly as possible ➲ Video action of officers and law violators ➲ Use amplified sound to communicate intent or to gain compliance ➲ Use low profile tactics when possible. Don't become the focus of the demonstration ➲ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams ➲ Continue to assess; escalate and de-escalate as behavior changes ➲ Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior
Unlawful Assembly Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given. Per Penal Code §407, two or more persons assemble to: ➲ Commit an unlawful act or ➲ Commit a lawful act in a boisterous or tumultuous manner	***Use Crowd Control strategies*** ➲ Seek voluntary compliance ➲ Video action of officers and law violators ➲ Act quickly ➲ Request needed resources ➲ Put control forces in place ➲ Identify dispersal routes ➲ Consider a traffic plan ➲ Move media to protected area ➲ Use amplified sound to communicate intent to declare an unlawful assembly ➲ Disperse unlawful crowd ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest individuals who fail to disperse or who are involved in illegal activity ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore traffic flow
Riot Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot. ➲ Group violent behavior ➲ Group acts of property damage	***Use Crowd Control strategies*** ➲ Video action of officers and law violators ➲ Request needed resources ➲ Put control forces in place ➲ Stop the illegal activity ➲ Put a traffic plan in place ➲ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➲ Arrest law violators ➲ With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage ➲ Ensure only reasonable force ➲ Report use of force ➲ Restore and maintain order ➲ Restore traffic flow ➲ Discourage groups from forming ➲ Protect lives, property, and vital facilities ➲ Remain present ➲ Reassess the situation ➲ Return to normalcy ➲ Act quickly

Note: This table is neither all-inclusive nor limiting.

LAUSD PRA (0047278) - 96

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APPENDIX C

Applicable Statutes

California Penal Code

General

69	Resisting or deterring officer
71	Threat of injury made to peace officer in performance of his duties
102	Retaking property from officer
148	Resisting or obstructing public officer
148.1	False reporting planting of bomb
148.2	Interfering with fireman or EMT
148.4	Tampering with a fire alarm
148.9	Giving false identification
151	Advocating injury or death of peace officer
169	Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court
171f	Entering State Capitol without authorization-disorderly conduct
182	Conspiracy
185	Wearing masks or personal disguises in the commission of any public offense
197	Killing in defense of self or property and arresting fugitives or quelling riot
218	Derailing or wrecking train
219	Wrecking train or firing bridge
219.1	Throwing missile at vehicle of common carrier
219.2	Throwing missile or shooting at trains, street cars, or vessels
240	Assault - defined
241	Assault; Assault against peace officer, or other specified persons engaged in performance of duties (Note: see 241 PC subsections)
242	Battery - defined
243	Battery; punishment (Note: see 243 PC subsections)
244	Throwing acid w/intent to disfigure or burn
245	Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)
246	Discharge firearm at inhabited dwelling, vehicle or aircraft

LAUSD PRA (0047278) - 98

California Penal Code

General (cont)

247	Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house
247.5	Discharging laser at aircraft
248	Interfere with helicopter operation - light or bright device
302	Disorderly conduct at church service
372	Maintaining public nuisance
374	Littering and waste matter defined (Note: see 374 PC subsections)
375	Use of offensive substance in place of public assembly; manufacture of offensive substance
396	Price gouging during state of emergency
403	Disturbing an assembly
404	Riot - defined
404.6	Incitement to riot
405	Punishment of participants in riot
405a	Lynching - defined
405b	Lynching - punishment
406	Rout - defined
407	Unlawful assembly
408	Participating in a rout or unlawful assembly
409	Refusal to disperse when ordered
409.5	Closing areas in emergency
410	Duty to suppress riot or rout
415	Fighting, causing loud noise, or using offensive words in public place
415.5	Unlawful acts committed in buildings or grounds of Colleges or University
416	Duty of crowd to disperse when ordered; Restitution for property damage
420	Obstructing entry on government land
422	Threats to commit crime resulting in death or great bodily injury
422.6	Civil Rights; Interfere with property damage or speech
451	Arson
452	Unlawfully causing a fire
453	Possession or manufacture of combustible or explosive material or fire bomb
455	Attempts to burn
463	Burglary during state of emergency



California Penal Code

General (cont)

555	Entry without permission (Note: see 555 PC subsections)
587	Injuring or obstructing railroad tracks, rights-of-way or structures
588	Injuring public road or bridge (Note: see 588 PC sections)
591	Injuring or tapping telegraph, telephone, or cable telephone line
594	Vandalism
602	Trespassing
602.5	Unauthorized entry of dwelling
602.8	Trespass - Entering cultivated, fenced, or posted land
602.10	Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College
602.11	Obstruct entry/exit of health care facility, place of worship, or school
616	Tampering with posted legal notice
626	Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)
640	Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)
647	Disorderly conduct - defined
647c	Accosting person in public place, disorderly conduct, impose, or begging
647e	Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance
659	Counseling or aiding another in the commission of a misdemeanor
726	Unlawful assembly - officer's duty to disperse
727	Arrest for refusal to disperse
835a	Use of reasonable force to effect arrest
836	Arrest by Peace Officer
4600	Destroying or injuring prison or jail (including jail property)
12600	Peace Officer may purchase, possess, or transport less-lethal weapons
12601	Less-lethal weapon - definitions

Weapons Laws

171b	Bringing firearm or other specified weapons into courthouse or public meeting
171c	Bringing loaded firearm into state office, State Capitol grounds, or public school grounds
171d	Bringing loaded firearms into residence of Governor or other constitutional officer
171f	Entering State Capitol without authorization - disorderly conduct within

LAUSD PRA (0047278) - 100

California Penal Code

Weapons Laws (cont)

374c	Discharging firearms on a public highway
417	Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)
626.9	Bringing or possessing firearm on grounds of public school, college, or university
626.10	Knives, razors, tasers, stunguns, etc., on school grounds, exceptions
16590	Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions
17500	Possession of deadly weapon with intent to commit assault
25400	Unlawful to carry concealed firearms without license
25850	Loaded firearm; carrying in public place or in vehicle
18710	Possession of destructive device prohibited
22610	Purchase, possession, or use of stun gun

California Vehicle Code

23110	Throwing substance at vehicles
23112	Throwing, depositing, or dumping matter on highway

California Election Code

18340	Prevention of electors from assembly; misdemeanor
18380	Vandalism at polling places, violations; misdemeanor
18502	Interference with officers or voters; imprisonment
18540	Use of force, violence, tactic of coercion or intimidation; penalties



LAUSD PRA (0047278) - 101

APPENDIX D

Applicable Case Law

Use of Force

Bryan v. McPherson
630 F. 3d 805 (9th Cir. 2011)

Chew v. Gates
27 F.3d 1432, 1443 (9th Cir. 1994)

Deorle v. Rutherford
272 F. 3d 1272, 1284 (9th Cir. 2001)

Eberle v. City of Anaheim
901 F. 2d 814 (9th Cir. 1990)

Forrester v. City of San Diego
25 F. 3d 804 (9th Cir. 1994)

Graham v. Connor
490 U.S. 386 (1989)

Hammer v. Gross
932 F. 2d 842 (9th Cir. 1991)

Headwaters Forest Defense v. County of Humboldt
240 F.3d 1185(9th Cir. 2000), *vacated and remanded on other grounds*, 534 U.S. 801 (2001) (Headwaters I)

Headwaters Forest Defense v. County of Humboldt
276 F. 3d 1125 (9th Cir. 2002) (*Headwaters II*)

Mattos v. Agarano
661 F. 3d 433 (9th Cir. 2011)

Scott v. Henrich
39 F. 3d 912 (9th Cir. 1994)

Young v. County of Los Angeles
655 F. 3d 1156 (9th Cir. 2011)

Unlawful Assembly

Bacon
In re, (1966) 240 Cal. App. 2d 34

Brown
In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court
(1997) 65 Cal. App. 3d 904

Collins v. Jordan
110 F. 3d 1363 (9th Cir. 1996)

LAUSD PRA (0047278) - 102

Unlawful Assembly (cont)

Galvin v. Hay
374 F. 3d 739 (9th Cir. 2004)

Kay
In re, (1970) 1 Cal. 3d 930, 943

Menotti v. City of Seattle
409 F. 3d 1113 (9th Cir. 2005)

Wagner
In re, (1981) 119 Cal. App. 3d 90

Riots

People v. Bundte
(1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915

People v. Cipriani
(1991) 18 Cal. App. 3d 299, 304

People v. Davis
(1968) 68 Cal. 2d 481

People v. Jones
(1971) 19 Cal. App. 3d 437

Lynching

People v. Jones
(1971) 19 Cal. App. 3d 437

People v. Patino
(1979) 95 Cal. App. 3d 11

Right of Access

Los Angeles Free Press v. City of Los Angeles
9 Cal. App. 3d 448, 457 (1970) cert. denied, 401 U.S. 982

Cox v. State of New Hampshire
312 U.S. 569 (1941)

Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle
550 F. 3d 788 (9th Cir. 2008)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo
189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable "Time, Place and Manner" restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)



First Amendment

Brown
In re, (1973) 9 Cal. 3d 612

Chambers v. Municipal Court
(1977) 65 Cal. App. 3d 904

Cohen v. California
403 U.S. 15 (1971)

Jefferson v. Superior Court
(1975) 51 Cal. App. 3d 721)

McMahon v. Albany Unified School District
(2003) 104 Cal. App. 4th 1275

Public Place Obstruction

Coates, et al, v. City of Cincinnati
402 U.S. 611 (1971)

Cox
In re, (1970) 3 Cal. 3d 205, 220

People v. Man
(1974) 39 Cal.App. 3d Supp. 1, 4-5

Obstructing Peace Officer

In re M.L.B.
(1980) 110 Cal. App. 3d 501

People v. Patino
(1979) 95 Cal. App. 3d 11

Throwing Substances

People v. Whitney
(1978) 76 Cal. App. 3d 863

LAUSD PRA (0047278) - 104

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APPENDIX E

Training and Information Resources

California Emergency Management Agency,
Law Enforcement Guide for Emergency Operations, 2011 Edition,
http://www.calema.ca.gov/LawEnforcement/Pages/Redbook%20Revision%20Sep%202009.dy.pdf

California Emergency Management Agency
Law Enforcement Mutual Aid Plan, 2009 Edition
http://www.calema.ca.gov/LawEnforcement/Pages/BlueBook%20%20Revision%20dy.2009.pdf

Police Executive Research Forum
Police Management of Mass Demonstrations: Identifying Issues and Successful Approaches, Washington, D.C. 2006
http://www.policeforum.org/library/critical-issues-in-policing-series/MassDemonstrations.pdf

Police Executive Research Forum
Critical Issues in Policing Series - Managing Major Events: Best Practices from the Field, Washington, D.C. June 2011
http://www.policeforum.org/library/critical-issues-in-policing-series/MajorEvents_full.pdf

U.S. Department of Justice
Law Enforcement Guidelines for First Amendment-Protected Events, Global Justice Information Sharing Initiative, October, 2011
http://it.ojp.gov/documents/First_Amendment_Guidance.pdf

Los Angeles Police Department
An Examination of May Day 2007, Report to the Board of Police Commissioners, October 9, 2007
http://www.lapdonline.org/assets/pdf/Final_Report.pdf

POST Video Library
The following videos may be obtained from the POST Video Library at:
http://www.post.ca.gov/post-training-videos.aspx

Crowd Management and Civil Disobedience 2003 (Part 1)

Crowd Management and Civil Disobedience 2003 (Part 2)

Critical Incident Management (SEMS and NIMS) 2006

Crowd Management Update 2008

LAUSD PRA (0047278) - 106

DISPERSAL ORDER

"I am (rank and officer's name), a police officer for the Los Angeles School Police Department. I hereby declare this to be an unlawful assembly and, in the name of the people of the State of California, command all those assembled at (give specific location/address) to immediately disperse. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions, which could cause significant risk of serious injury to those who remain. Section 409 of the Penal Code prohibits remaining present at an unlawful assembly. If you remain in the area which was just described, regardless of your purpose in remaining, you will be in violation of Section 409. The following routes of dispersal are available (give the most convenient route(s) of dispersal). You have ___ minutes (give reasonable amount of time) to disperse.

DISPERSAL ORDER (SPANISH)

"Soy (officer's name and rank) official de policia del Departamento Escolar de Los Angeles. Por medio del presente, declaro esta reunion ilegal y en nombre del pueblo del Estado de California ordeno a todas las personas reunidas en (give specific location) se dispersen inmediatamente. De lo contrario seran arrestados o estaran sujetos a otras acciones policiacas. Otras acciones policiacas pueden incluir el uso de municiones de menos lethal las cuales pueden causar el riesgo significante de heridas serias. La Seccion 409 del Codigo Penal prohibe permanecer en una reunion ilegal. Si usted o ustedes permanecen en las areas mencionadas, sin importar el proposito de su permanencia, usted / ustedes estaran violando la seccion 409 del Codigo Penal del Estado de California. Las rutas que se pueden usar para dispersarse son las siguientes: (give the most convenient route(s) of dispersal. Ustedes tienen ___ minutos (give a reasonable amount of time) para dispersarse.

404 PC Riot
404.6 PC Incite Riot
406 PC Rout
407 PC Unlawful Assembly
409 PC Remain present after warning to disperse

21456(b) CVC Ped crossing against a don't walk signal
21950(b) CVC Ped illegally entering roadway/obstructing traffic
21594(a) CVC Ped outside crosswalk
21955 CVC J-walk
21956(a) CVC Ped on roadway
21966 CVC Ped in bicycle lane

41.18 LAMC Loitering (a)annoy/molest ped on sidewalk (b)tunnel (c)sit, lie, sleep on any street, sidewalk or other public way (under litigation)
41.19 LAMC Public Assemblages-obstruct entrance
41.24 LAMC Trespass on private property without consent
41.57 LAMC Load Noise from sound making device (1) on private property (2) on public street (3) in a public park

DISPERSAL ORDER

I am (**rank, officer's name**) of the Los Angeles School Police Department. I hereby declare this to be an unlawful assembly and, in the name of the People of the State of California, command all those assembled at (**give specific location**) to immediately disperse. If you do not do so, you will be arrested.

*Give the most convenient route(s) of dispersal and, give a reasonable amount of time to disperse.

Spanish Translation

"Soy (officer's name), oficial de Policia Escolar de Los Angeles. Por la presente declaro que esta renuion es ilegal y en nombre del pueblo del Estado de California ordeno que todas las personas reunidas en (give specific location). Se dispersen immediatamente. De lo contrario seran arrestadas.

Applicable Statutes:

Penal Code 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence

Penal Code 409 makes it a misdemeanor to remain "present at the place of any riot, rout, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same."[1]

Penal Code 416 makes it a misdemeanor "if two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse on being desired or commanded so to do by a public office.

Penal Code 594 (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:
(1) Defaces with graffiti or other inscribed material.
(2) Damages.
(3) Destroys.

Penal Code 647c Obstruction of a Public Way:
Willfully and maliciously obstructing a public way and forcing people to get of the way (misdemeanor).

Contributing to the Delinquency of a Minor:

Penal Code 272- To commit any act or omit the performance of any duty which causes the following situations to a minor
(person under age 18):

- serious non-accidental physical harm
- inability to adequately supervise or protect a child
- serious emotional damage
- sexual abuse
- the death of a child through abuse or neglect
- the subjection a child to acts of cruelty
- put a child at risk by abusing or neglecting a child's sibling
- threatens, commands, persuades, or endeavors to induce any person under the age of 18 to fail or refuse to conform to a lawful order of the juvenile court.

LAMC: 45.04- Daytime curfew (minors only)



Your Rights to Demonstrate and Protest

The City of Los Angeles
Human Relations Commission

200 N. Spring Street
City Hall, Room 1625
Los Angeles, CA 90012
Phone: (213) 978-1660
Fax: (213) 978-1668
E-mail:
rabbi.allen.freehling@lacity.org

LAUSD PRA (0047278) - 110

Your Rights to Demonstrate and Protest

Can my free speech rights be restricted because of what I want to say – even if it's controversial?

No. The First Amendment prohibits restrictions based on the content of speech. Police and government officials are allowed to place non-discriminatory and narrowly drawn "time, place and manner" restrictions on the exercise of First Amendment rights.

Where can I engage in free speech activity?

Generally, all types of expression are constitutionally protected in traditional "public forums" such as public sidewalks and parks. Public streets can be used for marches subject to compliance with the City's permitting process.

Do I need a permit before I engage in free speech activity?

Certain types of events require permits. Generally, these events include:

(1) a march, parade or stationary event which causes an interruption in the normal use of the public streets or sidewalks (i.e., blocking pedestrian or vehicle traffic or partial/full street closures);

(2) marches, parades or rallies at City parks, or certain designated non-City parks or plazas, such as federal property managed by the General Services Administration.

The City permit scheme allows for the imposition of certain conditions on permits granted for these events, such as changes to the route of a march or limitations on the sound levels of amplified sound.

A permit cannot be denied because the event is controversial or will express unpopular views.

Be Aware:

If organizers have not obtained a permit, where can a march take place?

A. If marchers stay on the sidewalk and obey traffic and pedestrian signals; their activity is constitutionally protected even without a permit. Marchers may be required to allow enough space on the sidewalk for normal pedestrian traffic and not unreasonably obstruct or detain passers-by.

Can a speaker be silenced for provoking a crowd?

Generally, no. Even the most inflammatory speaker cannot be punished for merely arousing the audience. A speaker can be arrested and convicted for incitement if he or she specifically advocates violence or illegal actions and where those illegalities are imminently likely to occur.

Do counter-demonstrators have free speech rights?

Yes. Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.

What other types of free speech activity are constitutionally protected?

The First Amendment can, under certain circumstances, protect communication such as theater, music, film and dance. Symbolic acts and civil disobedience that involve illegal conduct may be outside the realm of constitutional protection and may lead to arrest.

What should you do if an unlawful assembly is declared and a dispersal order given?

Listen carefully to any police order to disperse. Even if you are not engaged in unlawful activity, you are subject to arrest if you do not leave the area defined by the police in their order to disperse. For example, where some individuals are blocking a street and some individuals are walking on the sidewalk, the police may order everyone to leave the area.

Am I able to carry signs to hold up during a demonstration?

Los Angeles Municipal Code Section 55.07 makes it a misdemeanor to possess during a demonstration, rally, picket line or public assembly any length of lumber, wood, or wood lath unless it is one-fourth inch or less in thickness and two inches or less in width, or if not rectangular, not more than three-quarters inch in its thickest dimension.

Can I be arrested during a demonstration?

Yes, if you engage in unlawful behavior. Additionally, LAPD may treat "non-cooperation" with the arrest process as a separate offense of interfering/resisting a police officer under Penal Code Section 148.

Special thanks to:
American Civil Liberties Union
National Lawyers Guild-Los Angeles Chapter

LAUSD PRA (0047278) - 111